



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
R. Sam Niedbala et al.) Art Unit: 1743 A lexander
Serial No.: 09/997,023) Examiner: Not Assigned
Filed: November 30, 2001)
For: SAMPLE COLLECTOR AND TEST DEVICE	RECE
	TC 1700
Commissioner for Patents Washington, D.C. 20231	TC 12003
	1700
Sir:	

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b) and (e)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b) and (e), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits.

Each document listed in this Information Disclosure Statement was cited in a

December 27, 2002 dated International Search Report of the corresponding international

application, PCT/US02/30101, filed September 23, 2002, entitled "Sample Collector and Test

Device." This Information Disclosure Statement is being filed within three months of the

mailing date of this search report.

ATTORNEY DOCKET NO. 044170-5034

Serial No.: 09/997,023

Page 2

Copies of the listed documents are attached. Copies of US Patent 4,014,322 to Shah and US 5,393,496 to Seymour are not enclosed as they were provided previously in the Information Disclosure Statement filed concurrently with the new application on November 30, 2001.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the document be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. §1.136(a)(3).

CERTIFICATION

I hereby certify that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement.

Respectfully submitted,

James L. Reed Reg. No. 43,877

MORGAN, LEWIS & BOCKIUS LLP

Dated: February 7, 2003

Customer No. 009629 MORGAN, LEWIS & BOCKIUS LLP 1111 Pennsylvania Avenue, NW Washington, DC 20004

Phone: 202.739.3000 Fax: 202.739.3001



INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) PTO Form 1449 Page 1 of 1			Attorney Docket No. 044170-5034			Application No. 09/997,023		
		Applicant: R. Sam Niedbala et al.						
			Filing Date: November 30, 2001			Group: 1743		
		IIS PAT	FNT D	OCUMENTS				
*Examiner	Document			OCOMENTO		Sub		
Initial	Number	Date	Name		Class	Class	Filing Date	
			<u> </u>		<u> </u>	F	RECEIVEB 1 1 C 170	VER
			+-			 	FB 1 1	2003
L		EODEICNE	A TERMI	T DOCUMENTS	<u>.L</u>	<u> </u>	FC 17(200
	Document	Date	DREIGN PATENT DOCUMENTS Date			Sub	Translation	
	Number	(Day/Month/Y	ear)	Country	Class	Class	Yes	No
/LA/	01/49820	July 12, 2001		wo				
/LA/	98/14276	April 5, 1998		WO				
						 		
							- · · ·	
				hor, Title, Date, Perti	nent Pages,	, Etc.)		
/LA/	International Sea	arch Report dated Dec	cember	12, 2002				
Examiner /Lyle Alexander/			Date Considered	red 11/12/2010				
				in conformance with with next communicati		draw line t	hrough cita	ation if